

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF  
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,  
VILLAGE HALL, ON JUNE 2, 2004**

**Members Present:** Peter Lilienfield, Chairman  
Carolyn Burnett  
William Hoffman  
Walter Montgomery, Secretary

**Member Absent:** Jay Jenkins

**Also Present:** Lino Sciarretta, Village Counsel (present from 8:28pm)  
Brenda Livingston & Joseph Elliot, Ad Hoc Planning  
Board Members  
Cesare Manfredi, Environmental Conservation Board  
Edward P. Marron, Jr., Building Inspector  
Florence Costello, Planning Board Clerk  
Applicants and other persons mentioned in these Minutes

**IPB Matters**

**Considered:**

- 02-43 – Marjorie & Daniel Rosenfield – 58 Butterwood Lane West**  
Sht. 13, Lot P-43
- 03-36 – Racwel Contracting & Construction Co., Inc. – Dearman Close**  
Sht. 10, Lot P-25J2-15
- 03-49 – Village of Irvington – Westwood Subdivision, Tract C**  
Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11, Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)
- 04-04 – Jim & Vesna Rothschild – Lot #13, Dearman Park**  
Sht. 10, B.1, Lot 13
- 04-13 – Charles M. Pateman/Nicodemus – 200 Mountain Road**  
Sht. 11, Lot P27K
- 04-23 – John & Pat Ryan – 17 South Ferris Street**  
Sht. 6, B.214, Lot 27, 28
- 04-29 – Susan Robinson – 9 Fargo Lane**  
Sht. 1, B246A, Lot 7
- 04-30 – Jeffrey & Katherine Duarte – 32 Jaffray Court**  
Sht. 7C, B251, Lot 6
- 04-31 – Kristen & David Woll – 58 West Clinton Avenue**  
Sht. 7B, B249, Lot 11
- 04-32 – Eduardo Maciel – 34 Richmond Hill**  
Sht. 13E, Lot 34
- 04-33 – R.E.R. Development Corp. – East Clinton Avenue**  
Sht. 14, B.224, Lot 1

**Informal**

**Discussion:**

- 94-03 – Westwood Development Associates, Inc. -- Phase 1 (Tract A)**  
Sht. 10, P25J2, 25K2

Sht. 10C, Bl. 226, Lots 25A, 26A  
Sht. 11, P-25J

**Carried Over:**

- 04-21 – Omnipoint Communications Inc. – 1 Bridge Street**  
Sht. 3, Lot P-103
- 04-24 – Randy & Margaret Paul – One Langdon Avenue**  
Sht. 15, Lot P-119E
- 04-25 – Leonard & Etil Capuano – 15 Woodbine Road**  
Sht. 7A, B.237, Lot 5A, 6, 7
- 04-26 Rita & Peter Blum – 1 El Retiro Lane**  
Sht. 7, Lot P-81
- 04-27 – Richard Wager – 63 Ardsley Avenue West**  
Sht. 7, P-43A2A2

**Off Agenda:**

- 03-44 – Steven Ivkoscic & Syliva Marusic – 21 South Eckar Street**  
Sht. 5, B. 212, Lot 15A
- 04-17 – Steven Silpe – 34 South Ferris Street**  
Sht. 5, B.212, Lot 21
- 04-18 – Bernard & Isabel Milano – 3 Bracebridge Lane**  
Sht. 1, B.245A, Lot 5, 6
- 04-22 – Martin & Merideth Dolan – 2 Clifton Place**  
Sht. 9, B.222, Lot 45, 54, 56, 66

The Chairman called the meeting to order at 8:03 p.m. and, with the other Members, set July 7, 2004 as the date of the Board's next Regular Meeting.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

**REVIEW OF APPLICATIONS**

**IPB Matter #04-13:**

**Application of Charles M.  
Pateman/Nicodemus for Site Development  
Plan Approval for property at 200 Mountain  
Road**

Proposal - Application is for site development plan approval to allow construction of a single family house on an existing lot.

Representative - Charles Pateman, Charles Pateman Associates

Plans - No new plans were submitted. An Affidavit of Mailing to Affected Property Owners, dated May 19, 2004 was received.

Discussion - A public hearing was opened. Mr. Pateman stated that he had only just received consultants' reports the previous day and had no new submission items for the Board. The Board determined there should be no further discussion until Members have an opportunity to review the reports. The Chairman cited Mr. Mastromonaco's memorandum of May 5 and asked Mrs. Costello to forward it to Mr. Pateman.

Comments from the Public - None.

Board Action - The Board continued this matter and left the public hearing open.

**IPB Matter #04-23:**

**Application of John & Pat Ryan for Site Development Plan Approval for property at 17 South Ferris Street**

Proposal - To erect a new open wood deck at the rear of the house (approximately 314 square feet), increasing the building footprint by 16%.

Representative - Matthew Behrens, architect

Plans - "New Deck: Ryan Residence, 17 South Ferris Street, Deck Plans and Details, Matthew Behrens, Architect, April 20, 2004", 2 sheets.

Discussion - A public hearing was opened. The Board confirmed that required variances for coverage and a rear-yard setback had been received by the Applicants (ZBA #2004-11). Neither Mr. Marron nor Mr. Mastromonaco had any issues.

Comments from the Public - None.

Board Action - The public hearing was closed. The Board determined that this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board Members present unanimously voted (4-0) to grant Site Development plan approval for the Application.

**IPB Matter #02-43:**

**Application of Marjorie & Daniel Rosenfield for Amendment of Site Development Plan Approval for property at 58 Butterwood Lane West**

Proposal - The Application, an amendment to a previously approved Site Development Plan (IPB #2002-43 dated November 6, 2002), requests permission to move the proposed basement space, create a retaining wall and build a new perimeter fence.

Representative - Arthur Chabon, architect

Plans - "Rosenfield Residence, 58 Butterwood Lane West, Arthur Chabon, Architect, May 19, 2004," 15 sheets; "Proposed Storm Drainage Plan, Mr. & Mrs. Rosenfield, 58 Butterwood Lane,

Michael J. McGarvey, P.E., P.C., revised May 16, 2004,” 2 sheets; “Rosenfield Residence, List of Drawings, Arthur Chabon Architects, May 20, 2002,” 1 sheet.

Discussion - Mr. Chabon stated that, under this proposed modification of a previously approved plan, the basement space formerly proposed for construction under the garage would now be placed under the terrace, and what was to have been a wood deck would now be changed to stone. This was tied to difficulties in implementing the prior plans at a reasonable cost. Mr. Marron said there would be no increase in coverage and no impact on FAR, and the changes are consistent with variances granted by the Zoning Board of Appeals on August 27, 2002.

The Chairman noted that the issues cited in Mr. Mastromonaco’ memorandum of June 2 had been addressed.

Comments from the Public - Elliot Hurwitz of Hamilton Road expressed concern about drainage. Mr. Marron said the current, amended plans will help alleviate run-off problems. There were no further comments from the public.

Board Action - The Board determined that this matter could be treated as a Type II Action under SEQRA. Upon motion duly made and seconded, the Board Members present voted unanimously (4-0) to adopt the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees; (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #04-29**

**Application of Susan Robinson for Site Development Plan Approval for property at 9 Fargo Lane**

Proposal - The Applicant proposes to construct a first-floor addition with stairs in the rear to grade, with an increase in the footprint of the house. The increase will add a total of about 110 square feet of floor area on a total of one floor and a total of about 880 cubic feet.

Representative - Pete Donovan of Mastercraft Contracting & Remodeling, Inc.

Plans - “Proposed Site Development Plan and Floor Plan, Susan Robinson, 9 Fargo Lane, Thomas P. Quartacci, P.E., May 17, 2004,” 3 sheets.

Discussion - The Chairman noted that a waiver cannot be granted, since this property is on the west side of Broadway and would therefore be handled as Site Development Plan approval. The Chairman stated that the plans need to show the rear-yard setback measurements from the deck to the property line, and the FAR data are not complete. He also said that notification of the Application must be published, because the property is on Broadway.

Mr. Marron stated that variances are required for lot size and the rear -yard setback, pointing out that, under the Village Code, this property has two front yards. He also said that inaccurate FAR calculations in the plans had been corrected; Mr. Mastromonaco, in his memo of June 2, 2004, had cited the need for revised FAR calculations.

Comments from the Public - None.

Board Action - The Board by consensus agreed that the application was sufficiently complete to set a public hearing for the Regular Meeting to be held in July, conditioned on the Applicant having first obtained the requisite variance from the Zoning Board Appeals; otherwise the public hearing would be deferred until August or some later date. The matter was continued.

#### **IPB Matter #04-30**

#### **Application of Jeffrey and Katherine Duarte for Site Development Plan Approval for property at 32 Jaffray Court.**

Proposal - The Applicants are proposing to construct a new second story over the existing one-story residence, with no increase in the building's footprint. The increase will add a total of about 971 square feet of floor area on a total of one floor and a total of about 7,768 cubic feet.

Representative - Matthew Behrens, architect

Plans - "Addition/Alteration; Duarte Residence, 32 Jaffray Court, Matthew Behrens, Architect, May 18, 2004," 4 sheets.

Discussion - Mr. Behrens cited the need for a variance for the rear-yard setback. The Chairman noted there is no proposed extension of a non-conforming feature in the plans. Both the Chairman and Mr. Marron said there was no height issue relative to the Zoning Code.

The Chairman also said that no action can be taken at this meeting, since the parcel is on the west side of Broadway, in the View-Preservation area defined by the Code. He asked for cross-section drawings that would show the impact of this proposal on views of the Hudson from neighboring houses and adjacent public property and rights-of-way.

Mr. Sciarretta stated that under the Code, §224-151 (C), the IPB can send this application to the Architectural Review Board for input regarding the impact on the views of the Hudson; by consensus, the Board agreed to do so to assist the IPB in evaluating the project. The Chairman indicated that he would forward such request to the ARB.

The Chairman also asked Mr. Behrens to produce FAR calculations of the size of the proposed structure relative to neighboring houses. There were no comments from Mr. Mastromonaco, or any issues from the Environmental Conservation Board.

Comments from the Public - There were questions asking for clarification of the review process and for more information on the proposal. The Chairman stated that such questions would be addressed at the public hearing on this matter and in materials requested by the Board.

Board Action – The Board determined that the Application was sufficient complete to set a public hearing for the Board’s Regular Meeting in July, subject to receipt of the requested information on FAR and cross sections.

**IPB Matter #04-31**

**Application of Kristen & David Woll for Site Development Plan Approval for property at 58 West Clinton Avenue**

Proposal - The Applicants propose to enlarge an existing breakfast nook and replace an existing patio with a covered porch, increasing the house’s footprint approximately 840 cubic feet.

Representatives - Robert Barstow, architect, of Sleepy Hollow Designs, and Mr. and Mrs. Woll

Plans - “Site Plan, Mr. & Mrs. Woll, 58 West Clinton, Sleepy Hollow Designs, Architectural/Construction Services, May 10, 20004,” 1 sheet. “Proposed Addition, Mr. & Mrs. Woll, 58 West Clinton, Sleepy Hollow Designs, March 12, 2004,” 2 sheets.

Discussion - The Chairman noted this property is west of Broadway and therefore can not be handled as a waiver due to the View-Preservation requirements of the Village Code. As a result, site development plan approval will need to be considered at a public hearing. He also pointed out that the Environmental Conservation Board’s letter of June 2, 2004 expressed concern about drainage from the proposed new roof area.

Mr. Marron stated that the coverage calculations need to be redone. However, the FAR, which he said had been corrected, now meets Code requirements. He also said that the plans still need to address adequately drainage and erosion control. Mr. Mastromonaco had no issues, the Chairman stated.

Comments from the Public - None.

Board Action - The Board determined that the Application was sufficient complete to set a public hearing for the Board’s Regular Meeting in July with the applicant to provide clarifications on coverage, drainage and erosion control.

**IPB Matter #04-32:**

**Application of Eduardo Maciel for Waiver of Site Development Plan Approval for property at 34 Richmond Hill**

Proposal - The Applicants are proposing to add a stone patio to their townhouse and plant trees along the western property line.

Representatives - Ivanka Olcott, architect, and Mr. Marciel

Plans - "Maciel Residence, Patio Plan, 34 Richmond Hill, Ivanka Olcott, Architect, May 18, 2004," 2 sheets.

Discussion – Ms. Olcott said that trees will be added to the periphery of the property for screening. The Chairman noted that the Richmond Hill Board of Directors had approved the project, as indicated in their letter of May 16, 2004, and that the Applicants own the land on which the townhouse sits. Mr. Sciarretta said that with such permission, he saw no obstacles to this project. Brenda Livingston, Ad Hoc IPB Member, said she believed a deed to the would attest to the Applicants' ownership of the property relative to the land owned by the Applicant vs the Homeowners Association.

Mr. Manfredi of the ECB asked whether there would be erosion-control measures put into place for the construction phase. Ms. Olcott said that a riser is being added to compensate for the slope in the property and control erosion. She stated that the proposed raising of the grade at the beginning of the construction process and the use of a catch basin would help as well. Mr. Marron said the installation of a silt fence would be sufficient to control erosion and could be handled at the time a building permit is issued. Mr. Mastromonaco had no engineering concerns.

Comments from the Public - None.

Board Action - The Board determined this matter could be treated as a Type II Action under SEQRA. Subject to the Applicants' working with the Building Inspector to address drainage and erosion problems, and to the proper digging for installation of a silt fence, the Board members present voted unanimously (4-0) to approve the Application:

**WHEREAS**, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees; (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

**IPB Matter #04-33:**

**Application of R.E.R. Development Corp. for  
Site Development Plan Approval for property  
at East Clinton Avenue**

Proposal - The Applicant is proposing to construct a new one-family residence on a parcel that was previously the subject of subdivision approval by the Board (IPB Matter #2001-41).

Representative - Emilio Escaladas, architect

Plans - “Proposed Residence, Site Plan, Escaladas Associates, Architects and Engineers, May 19<sup>th</sup> (no year),” 1 sheet; “Proposed Residence for Mr. Ransic Lot B and Corner of East Clinton Avenue and South Broadway, Escaladas Associates, Architects and Engineers, October 14, 2002, revised November 6, 2002” 1 sheet (marked as “1 of 3”).

Discussion - The Chairman stated that the a signed copy of the subdivision plot must be submitted as there was not one on file in the Building Department or part of the Application; if the subdivision plat was never filed, it would be necessary to reconsider subdivision approval subject to the recently adopted modifications to the Zoning Code. This matter needed to be resolved prior to the Board considering the application, however the Board agreed to additional discussion as members of the neighborhood were present and sought input.

The Chairman indicated that the height and FAR would need to be addressed, to assure compliance with the Village Code, subdivision approval, and compatibility with neighboring houses; scale comparisons vis-à-vis houses on the east side of Broadway were requested of the Applicant.. He also asked for smaller scale plans that would clearly show the various dimensions of the proposed project.

Mr. Marron requested correct elevation data and FAR calculations with requisite attic dimensions included. Mr. Mastromonaco’s comments in his memo of June 2, 2004 addressed the need for accurate calculations of FAR, coverage, site capacity and setbacks, as well as a survey, drainage plans and other information; the memo was given to Mr. Escaladas. Mr. Manfredi of the Environmental Conservation Board cited the need for erosion-control measures during construction. Mr. Marron said that a silt fence should be sufficient for this purpose.

The Chairman asked that the Applicants consider the installation of a stone wall along Broadway, which the Applicant indicated that they would consider; details of the wall would need to be provided. He also said the Applicants must submit a copy of the easements and details on their plans pertaining to drywells, trees and other features of the property.

Comments from the Public – Mr. & Mrs. Degan, immediate neighbors to the east of the property, expressed concern about the safety of the driveway. The driveway serves the proposed house, the existing house immediately to the south along Broadway, and the Degan property. Discussion centered on the ability to put a fence on easement to provide separation, or the movement or change in dimensions of the driveway and curbcut. The Chairman asked that the neighbors and Applicants get together and discuss options for alleviating concerns about the driveway, and indicated that the easement for the driveway should be submitted to the Board. Mr. Robert Munigle, a neighbor, said a stone wall abng Broadway may be dangerous due to sight distance and topography changes; the Board indicated that any such wall would need to be low enough to address any such hazard. He also stated that the siding on the proposed house should be some material compatible with the appearances of nearby houses.

Board Action - This matter was continued.

**IPB Matter #03-36**

**Application of Racwel Contracting & Construction Co., Inc. for Site Development Plan Approval for property at Dearman Park, Lot 15**



**IPB Matter #04-04**

**Application of Jim & Vesna Rothschild for Site Development Plan Approval for property at Dearman Park, Lot 13**

**IPB Matter #94-03**

**Application of Westwood Development Associates, Inc. Phase 1 (Tract A)**

Proposal - These matters pertain to the construction of two homes in the Dearman Park subdivision, formerly known as Tract A of Westwood.

Representative - Pat Steinschneider of Gotham Design Ltd.

Plans -

- Matter #03-36: no new plans submitted; prior plans: “Drawing CS Cover Sheet, prepared by Cronin Engineering, October 17, 2003”; “Drawing SP-1.1 Site Development Plan – Lot 15, prepared by Cronin Engineering, October 17, 2003”; “Drawing SP 1.2 Erosion Control Plan & Details – Lot 15, prepared by Cronin Engineering, October 17, 2003”; “Drawing SP –1.3 Profiles& Construction Details – Lot 15, prepared by Cronin Engineering, October 17, 2003”; “Drawing A-1 Landscaping Plan, prepared by Gotham Design Ltd., revised October 22, 2003”; “Drawing A-2 Plans, prepared by Gotham Design Ltd., revised October 22, 2003”; “Drawing A-3 Elevations, prepared by Gotham Design Ltd., revised October 22, 2003”.
- Matter #04-04: Rothschild Residence, Dearman Park, Lot #13, Landscape/Site Plan, revised May 19, 2004, 1 sheet.

Discussion - Mr. Steinschneider briefly reviewed progress with construction of the infrastructure. There followed a discussion of development issues posed by current Code restrictions. As he had at previous meetings, Mr. Steinschneider restated his wish to seek special action by the Board of Trustees that would enable him to construct homes that would be both compatible with the topographic challenges of Dearman Park and appealing to buyers in the present-day market. The Board indicated that would be a matter between the Applicant and the Board of Trustees. One key question, the Chairman again emphasized, is whether the houses Mr. Steinschneider envisions would have been in compliance with the Code before it was amended in 2003.

The Board and Mr. Steinschneider then focused on the process by which he could efficiently take his applications to the Zoning Board of Appeals and avoid multiple appearances before the IPB and the ZBA. The Chairman and Mr. Sciarretta said they would discuss this matter further. Mr. Mastromonaco’s latest comments, in two memos, each dated June 2, 2004 were conveyed to Mr. Steinschneider.

Board Action - These matters were continued.

**Other Matters**

- The Board, by consensus, agreed that it would not assume responsibility for the SEQRA submission for the Saw Mill Aqueduct, opting to leave the process with the State.

- The Board also agreed, by consensus, to leave the in-lieu fee at its current level for now (\$8,910.42) and readjust it in February of 2005 to reflect the requisite escalation incurred between September 2003 and February 2005.
- Further, the Board agreed to attempt to create a form that will be a checklist of all conditions that require referral to the ZBA for variances. In addition, the Board will work on refining the IPB application forms to improve their clarity and the efficiency with which they can be processed by Applicants, the Board and the Building Department.

The meeting was adjourned at 10:30pm.

Respectfully submitted,

Walter Montgomery  
Secretary